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NORTH CAROLINA CRIMINAL JUSTICE
EDUCATION AND TRAINING STANDARDS COMMISSION
PLAN OF ORGANIZATION AND BY-LAWS

UNDER THE AUTHORITY OF CHAPTER 17C OF THE GENERAL STATUTES OF NORTH CAROLINA, THE NORTH CAROLINA CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION, HEREINAFTER REFERRED TO AS "COMMISSION," ADOPTS A PLAN OF ORGANIZATION AND BY-LAWS AS FOLLOWS:

COMMISSION PLAN OF ORGANIZATION & BY-LAWS

PART I. COMPOSITION OF THE COMMISSION

A. MEMBERSHIP

The Commission is composed of 35 members, 27 of whom are representative designees and 8 of whom are ex officio, as prescribed by the General Assembly. [G.S. 17C-3(a)]

B. TERM

The original members serve staggered terms of specified duration varying from one to three years, as established by the General Assembly. Thereafter, representative members shall serve a term of three years, ending on June 30th of the last year of each member's respective term. Appointments by the General Assembly shall serve two-year terms to conclude on June 30th in odd-numbered years. Notwithstanding the appointments for a term of years, each member serves at the will of the appointing authority and continues to serve until their successors are appointed and qualified. [G.S. 17C-3(b)]

C. VACANCY

Vacancies in membership of the Commission occurring for any reason shall be filled for the unexpired term by the authority making the original appointment. [G.S. 17C-3(b)]

PART II. ORGANIZATION OF THE COMMISSION

A. OFFICERS

1. CHAIR

a. Election. — The Commission elects from among the 27 representative members a Chair. Ex officio members are not eligible for election to this office. [G.S. 17C-5(a)]

b. Term. — The Chair holds office until the first regular meeting of the Commission held after July 1 of each year. At that time, the Commission shall either elect or re-elect a Chair. [G.S. 17C-5(a)]

c. Authority and Duties. The Chair is the presiding officer of the Commission and, in such capacity, consistent with the will of the majority of members, has complete control of the proceedings of the Commission. The Chair shall authenticate by his signature the acts, orders, and proceedings of the Commission unless he delegates such function to another.

(1) The Chair's authority includes, but is not restricted to:

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- (a) Recognizing speakers, setting and modifying time restrictions on presentations, questioning speakers, directing discussion, and managing the Commission's proceedings.
- (b) The Chair shall ensure that each person participating in a proceeding is given a fair opportunity to present views, data, and comments. (2) The duties of the Chair include:
 - (a) Opening the sessions at the designated time, by taking the chair and calling the members to order;
 - (b) Announcing the business before the Commission in the order in which it is to be acted upon;
 - (c) Recognizing members entitled to the floor;
 - (d) Stating and putting to vote all questions moved or arising in the course of the proceedings and announcing the result of the vote;
 - (e) Expediting the business of the Commission in every way compatible with the rights of the members of the Commission to be heard;
 - (f) Enforcing the rules of order and the observance of decorum among the members; and
 - (g) Appointing such special or select committees as the Chair deems necessary.
- (3) The Chair will not close debate on an issue except by vote of the Commission; nor will he/she prevent the making of legitimate motions by expediting the proceedings.

2. VICE-CHAIR

- a. Election. — The Commission elects from among the 27 representative members a Vice-Chair. Ex officio members are not eligible for election to this office. [G.S. 17C-5(b)]

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- b. Term. — The Vice-Chair holds office until the first regular meeting of the Commission held after July 1 of each year. At that time, the Commission shall either elect or re-elect a Vice-Chair. [G.S. 17C-5(b)]
- c. Authority and Duties. — The Vice-Chair of the Commission, upon and during the absence, incapacitation, or other vacancy of the chair by the duly elected chair, assumes the duties and acquires the full authority of the Chair of the Commission.

3. OTHER OFFICERS

At such time as the need may arise, the Commission may create such other official positions, with designated duties, as it may determine beneficial. Such positions will be filled by election of the Commission. These officers will hold office until the first regular meeting of the Commission after July 1 of each year. [G.S.17C-5(b)]

B. COMMITTEES OF THE COMMISSION

1. STANDING COMMITTEES

a. Executive Committee

- (1) Composition. — The Executive Committee consists of five members: the Chair and the Vice-Chair of the Commission, the Chairs of the Probable Cause Committee, the Planning and Standards Committee, and the Education and Training Committee. The Executive Committee is chaired by the Chair of the Commission or the Chair's designee.
- (2) Purpose. The purpose of the Executive Committee shall be to provide general guidance for the Commission and to act on its behalf in matters requiring immediate action.
- (3) Duties. — The duties of the Executive Committee shall include:
 - (a) To consider matters where immediate action may be required and time does not allow for the assembly of the full Commission. In such

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circumstances, the Executive Committee is authorized to act on behalf of the Commission, so long as it acts in good faith and informs the full Commission of its actions within five business days. If any member of the Commission objects to such a decision made by the Executive Committee, the member may, in writing, request that the Chair call a special meeting of the Commission to review the decision, and a special meeting shall be called by the Chair. If no special meeting is requested, the decision of the Executive Committee will stand unless changed at a future Commission meeting.

- (b) To develop a long-range agenda for the Commission;
- (c) To consider and develop an effective organizational structure for the Commission;
- (d) To make application for, and receipt of, or disbursement of, grants;
- (e) To develop and maintain an effective working relationship with the Department of Justice in the provision of staff and other support services to the Commission;
- (f) To review the By-Laws of the Commission and to recommend changes as they deem necessary;
- (g) To review proposals submitted by the standing and other committees prior to their introduction to the full Commission for the purpose of coordination and setting the agenda;
- (h) To promote awareness of the efforts and activities of the Commission;
- (i) To, when necessary, resolve any issue of absence, incapacitation, or other vacancy of any elected officer,

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- (j) To promote the effective coordination among standing committees of the Commission; and
- (k) To provide for the effective interagency coordination with other commissions, organizations, or agencies affected by the Commission's activities.

b. Probable Cause Committee

- (1) **Composition.** The Probable Cause Committee is composed of a minimum of ten members of the Commission, appointed by the Commission Chair.
- (2) **Purpose.** — The Probable Cause Committee shall conduct probable cause hearings into violations of Commission rules. The Committee shall provide for the continuous liaison between the Commission and the Director of the Criminal Justice Standards Division and shall act on behalf of the Commission on rule enforcement. Action of the Probable Cause Committee shall be subject to review by the full Commission.
- (3) **Duties.** — The duties of the Probable Cause Committee shall be:
 - (a) To promote adherence to the Commission's rules and regulations with respect to standards and certification;
 - (b) To develop and maintain an effective working relationship with the Department of Justice in the provision of staff and other services to the Commission;
 - (c) To participate in the system planning process;
 - (d) To serve as the probable cause committee for the Commission in the matters of officer certification, which shall be subject to review by the full Commission only after an Administrative Hearing;
 - (e) To serve as the probable cause committee for the Commission in the matters of

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instructor certification, which shall be subject to review by the full Commission only after an Administrative Hearing; and

- (f) To serve as the probable cause committee for the Commission in the matters of agency and school compliance with Commission rules, which shall be subject to review by the full Commission only after an Administrative Hearing.

c. Planning and Standards Committee

- (1) Composition. — The Planning and Standards Committee is composed of a minimum of ten members of the Commission, appointed by the Commission Chair.
- (2) Purpose. — The Planning and Standards Committee shall be responsible for the formation of a system plan as required by NCGS 17C-6(b)(10), and the development of proposed legislation and position statements by the Commission. The Committee shall also provide policy administration for the development of standards for the Commission as outlined in NCGS 17C. Action of the Planning and Standards Committee shall be subject to review by the full Commission.
- (3) Duties. — The duties of the Planning and Standards Committee shall be:
 - (a) To develop a system plan for the promotion of a system of criminal justice education and training, to include the development of proposed legislation and resolutions for adoption by the Commission;
 - (b) To develop and maintain an effective working relationship with the Department of Justice in the provision of staff and other support services to the Commission;
 - (c) To administer policies concerning mandated entry level standards established by the Commission;

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- (d) To administer policies concerning advanced voluntary standards established by the Commission;
- (e) To administer policies and provide advice concerning criminal justice career development programs; and
- (f) To research and identify organizations or classifications for possible inclusion into minimum or advanced standards.

d. Education and Training Committee

- (1) Composition. — The Education and Training Committee is composed of a minimum of ten members of the Commission, appointed by the Commission Chair.
- (2) Purpose. — The Education and Training Committee shall be responsible for the establishment of entry level and specialized training programs for the improvement of criminal justice personnel, which result in the establishment of new and revised standards. The Committee shall provide for the continuous liaison between the Commission and the Director of the North Carolina Justice Academy and shall act on behalf of the Commission on education and training matters requiring immediate action. Action of the Education and Training Committee shall be subject to review by the full Commission.
- (3) Duties. The duties of the Education and Training Committee shall be:
 - (a) To promote the development, delivery, and revision of basic training programs, instructor training programs and other training programs deemed necessary and appropriate by the Commission;
 - (b) To develop and maintain an effective working relationship with the Department of Justice in the provision of staff and other services to the Commission;

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- (c) To research and evaluate curriculum and delivery methods in the field of criminal justice education and training;
- (d) To conduct research into the provisions for affiliation with the criminal justice education and training system as outlined by NCGS 17C-8; and
- (e) To participate in the system planning process.

e. All members of the Commission are eligible for appointment to no less than one standing committee.

2. SPECIAL COMMITTEES

a. Creation. — The Commission may create special committees with defined authority and specific responsibilities. Members of special committees shall be appointed by the Commission Chair. Persons other than Commission members are eligible for appointment to special committees; however, the Chair and the Vice-Chair of the committee must be members of the Commission.

3. COMMITTEE ORGANIZATION

a. Officers

- (1) Chair. — Upon the creation of each committee, standing or special, other than the Executive Committee, the Commission shall elect a Chair of the committee. All members of the Commission are eligible to be elected Chair. An elected Chair holds office until the first regular meeting of the Commission held after July 1 of each year. At that time, the Commission shall either elect or re-elect a Chair for each committee.
- (2) Vice-Chair. — At the initial meeting of a committee of the Commission, with the exception of the Executive Committee, the members of the committee shall elect a Vice-Chair. All members of the committee are eligible for nomination to the vice-chairmanship. A Vice-Chair holds office until the first meeting of the committee held after July 1

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of each year. At that time, the committee members will either elect or re-elect a Vice-Chair for the committee.

- (3) Other Officers. A committee may create such other official positions, with designated duties, as it may determine beneficial. The officers elected by the committee to such positions hold office until the first meeting of the committee held after July 1 of each year, unless the committee sooner terminates the position.

4. TERM OF MEMBERSHIP

Membership on a committee of the Commission is continuous and concurrent with membership on the Commission, unless terminated earlier by action of the Chair of the Commission.

5. ADVISORY GROUPS

As needed, the Commission may create an advisory group to address a specific issue or need identified by the Commission. An advisory group shall be advisory in nature and shall not have decision-making authority. The function of an advisory group shall be to research and discuss the designated topic and report any findings or suggestions back to the Commission as needed. The membership of an advisory group is to be determined by Commission staff on the basis of subject matter knowledge, expressed interest, and willingness to serve. An advisory group shall exist until such time as its input on the designated topic is no longer necessary.

C. STAFF

The Attorney General shall provide staff assistance as needed by the Commission. [G.S. 17C-7]

1. DIRECTOR OF THE CRIMINAL JUSTICE STANDARDS DIVISION

- a. Function. — The Director of the Criminal Justice Standards

Division of the North Carolina Department of Justice is designated the administrative officer of the Commission for each of the programs developed, implemented, or administered by the Commission.

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b. Authority and Duties of Director. -- The Director of the Criminal Justice Standards Division is directed, authorized, and empowered to act on behalf of and in the name of the Commission:

- (1) To comprehensively administer and enforce compliance with the Commission's programs and their attendant rules, standards, and procedures, as contained within the North Carolina Administrative Code;
- (2) To authenticate, by his signature, the actions, orders, rules, and official notifications of the Commission;
- (3) To be the recording officer of the Commission and the custodian of its records, except those specifically assigned by the Commission Chair to others;
- (4) To ensure that all official acts, orders, rules, proceedings, and notifications of the Commission are properly recorded, registered, and transmitted as required by law or by the Commission, and to ensure that proper notification is given to all criminal justice agencies affected by Commission action;
- (5) Upon prior express approval of the Executive Committee, to request the initiation of judicial proceedings to enjoin an offending or non-complying criminal justice agency as provided under G.S. 17C-11;
- (6) To compile data, develop reports, identify needs and perform research relevant to the improvement of criminal justice agencies;
- (7) To develop and revise programs for consideration by the Commission;
- (8) To monitor and evaluate programs of the Commission;
- (9) To provide technical assistance to relevant agencies regarding their participation and responsibilities in Commission programs;
- (10) To divulge to authorized requesters such information from Commission files in the

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possession of the Director of the Criminal Justice Standards Division as is permissible under applicable laws; and

- (11) To take other actions necessary or appropriate to fulfill the duties and responsibilities assigned by the Commission. [G.S. 17C-6 and 9]

PART III. OPERATION OF THE COMMISSION

A. IMPLEMENTATION OF CHAPTER 17C OF GENERAL STATUTES

In its endeavor to improve the administration of justice in North Carolina, it is the purpose of the Commission to upgrade the capabilities, competence, and proficiency of criminal justice personnel through programs, standards, and procedures involving the employment, improvement, career development, and retention of criminal justice officers. In meeting these responsibilities, the Commission utilizes the power and authority expressly delegated and granted to it by the General Assembly under Chapter 17C of the General Statutes.

1. ADOPTION OF ON-GOING PROGRAMS, ETC. The Commission recognizes, acknowledges, and adopts those decisions, rules, regulations, ordinances, and programs previously made and established by the North Carolina Criminal Justice Training and Standards Council together with those of the North Carolina Criminal Justice Education and Training Systems Council and decrees that each shall remain in full force and effect, with continued and uninterrupted administration and application, unless or until such time as specifically repealed, suspended, amended, or otherwise altered by express action of the Commission.

[G.S. 17C-(6)]

2. DEVELOP NEW PROGRAMS, ETC. Upon determination by the Commission that there is need for amendment or repeal, in part or in whole, of an existing program or for the development and implementation of a new program, the Commission shall proceed with the relevant actions authorized by Chapter 17C. [G.s. 17C-6; 8; 10; 121]

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B. NORTH CAROLINA ADMINISTRATIVE CODE

Each formal program of the Commission, with its accompanying standards, guidelines, and procedures, shall be developed into Rules for inclusion in the North Carolina Administrative Code.

1. AUTHENTICATION OF RULES. — The Rules adopted by the Commission are authenticated by the signature of the Chair of the Commission or by the signature of the Director of the Criminal Justice Standards Division.
2. FILING RULES. — The Rules, as adopted by the Commission, shall be filed pursuant to G.S. 150A by the Director of the Criminal Justice Standards Division.

C. MEETINGS

1. COMMISSION MEETINGS

- a. Regular Meetings. — The Commission shall have a minimum of four regular meetings annually, as required by statute, upon official call of the Chair of the Commission. When possible, the Chair, prior to adjournment of a regular meeting, shall initiate discussion of the date and location of the next regular meeting. [G.S. 17C-5]
- b. Special Meetings. — A special meeting of the Commission may be called at any time by either the Chair or the Vice Chair. Furthermore, upon the written request of at least five members of the Commission directed to the Chair in writing for call of a special meeting of the Commission, the Chair shall immediately issue the call for such meeting so that it will be concluded within thirty days from the date of receipt of the fifth request. [G.S. 17C-5c]

2. COMMITTEE MEETINGS

- a. Standing Committees. — Each standing committee of the Commission shall meet at least four times a year upon call of the Chair of the Commission or of its respective committee chair.
- b. Other Committees. — All other committees of the Commission or subcommittees of committees to the Commission shall meet upon the

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call of the Chair of the Commission or the Chair of the respective committee or subcommittee.

3. NOTICE OF MEETINGS

- a. Commission Meetings. — At the direction of the Chair of the Commission, the Director of the Criminal Justice Standards Division shall expeditiously issue an official notice of meeting to each member of the Commission at least twenty days prior to each regular and 48 hours prior to each special meeting of the Commission.
- b. Committees and Subcommittees Meetings. — Unless otherwise provided, the Chair of a committee or a subcommittee shall expeditiously issue or cause to be issued an official notice of meeting to each member of that committee or subcommittee at least ten days prior to the date of the scheduled meeting and at least 48 hours prior to any special meeting.

4. EXTENDED MEETING

A meeting of the Commission, committee of the Commission, or subcommittee of a committee of the Commission which continues for more than one consecutive day is considered one meeting.

5. OPEN MEETINGS

- a. Commission. — All regular and special meetings of the Commission are open to the public, except those meetings, or portions thereof, properly designated as Closed Sessions as authorized under G.S. 143-318.11, or those for the purposes as provided in G.S. 143-318.18.
- b. Committee and Subcommittee. — Meetings of committees or subcommittees of the Commission are open to the public, except those meetings, or portions thereof, properly designated as Closed Sessions as authorized under G.S. 143-318.11, or those for the purposes as provided in G.S. 143-318.18.

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6. QUORUM

A quorum is that number of members required to be present for official business to be lawfully transacted during Commission, committee, and subcommittee meetings.

- a. Number Necessary. At least one-half of the membership of the Commission, committee, or subcommittee, appointed and qualified to serve, represents a quorum. The quorum refers to the number of members present at the meeting, not the number voting.
- b. Quorum Continues. — Upon announcement from the Chair that a quorum exists, the quorum will remain in effect, even if one-half of the members do not continue to be present, unless a majority of the remaining members vote to adjourn or to recess until a quorum returns.

7. MINUTES OF MEETINGS

The Director of the Criminal Justice Standards Division shall develop and maintain a record of the proceedings of each meeting of the Commission. Staff to each committee or subcommittee shall record the proceedings of the committee or subcommittee as required.

8. ORDER OF BUSINESS

- a. General Order. — The general order of conducting business by

the

Commission is as follows:

1. Call to Order
 - (a) Oath Administration to New Members
 - (b) Roll Call
 - (c) Declaration of Quorum
 - (d) Recognition of Visitors
- (2) Awarding of Advanced Certificates
- (3) Election of Chairs, when necessary.
- (4) Reading and Approval of the Minutes of the previous meeting.
- (5) Reports of the Standing Committees:
 - (a) Executive Committee
 - (b) Education and Training Committee
 - (c) Planning and Standards Committee

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- (d) Probable Cause Committee
 - (6) Reports of Special Committees
 - (7) Other Business
 - (8) Setting of Next Meeting Date
 - (9) Old Business
 - (10) Closing of Commission Business by Motion to Adjourn.
- b. Committee Business. — The general order of conducting business by a committee or subcommittee of the Commission shall be set by the Chair of the committee or subcommittee.

9. MEETING AGENDA

The Chair shall, at each meeting, have an agenda of the order of business, including matters to be considered during the meeting. The agenda shall be made available to each member prior to or at the commencement of the meeting.

10. CONDUCTING BUSINESS

- a. Rules of Order. — Meetings of the Commission, committees of the Commission, and subcommittees of committees shall be conducted according to Roberts' Rules of Order.
- b. Votes Necessary for Adoption. — Unless otherwise expressly required, all motions or other items of business subjected to vote of the members of either the Commission, a committee to the Commission, or a subcommittee of a committee, are officially adopted or approved by a simple majority of the voting members on each motion or other issue for determination. In the event of a tie, the motion shall not carry.
- c. Participation by Proxies at Meetings — Certain members may designate a proxy to attend meetings of Committees and the Commission on their behalf, subject to the following limitations:
 - (1) Ex officio members may designate, in writing, one member of their respective office, department, university or agency to represent and vote for them on the Commission at all meetings the ex officio member is unable to attend. The designated proxy may vote on all

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matters that come before the Commission or the ex officio member's assigned committee;

- (2) In the event a designated proxy of an ex officio member is unable to attend a meeting on behalf of the ex officio member that proxy may not designate another proxy to attend on their behalf. The designation of a replacement proxy must be made, in writing, by the ex officio member; and,
- (3) Non ex officio members may not designate a proxy to represent them at any Committee or Commission meeting except the following: the Chair of the Probable Cause Committee, the Planning and Standards Committee, and the Education and Training Committee may designate another member of their Committee as a proxy to represent and vote for them only at meetings of the Executive Committee.